

**Minutes of Meeting
Grafton Planning Board
February 11, 2013**

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A regular meeting of the Grafton Planning Board was held on February 11, 2013 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, and Sargon Hanna. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:00 p.m.

ACTION ITEM 1-A - REQUEST FOR PLANNING BOARD DETERMINATION & APPROVAL FOR MINOR MODIFICATION TO SPECIAL PERMIT (SP 2002-11) AT&T WIRELESS PCS LLC (AT&T WIRELESS SERVICES, INC.), D/B/A AT&T WIRELESS - 86 MAIN STREET, SOUTH GRAFTON - BRIAN ALLEN, KJK WIRELESS, FOR NEW CINGULAR WIRELESS LLC (D/B/A ATT MOBILITY), PETITIONER

Mr. Robbins recused himself to the audience due to a conflict of interest.

Brian Allen was present representing New Cingular Wireless LLC and informed the Board they would be replacing three existing antennas with three new antennas; adding three remote radio heads and surge arrestor; and three cables, all of which is completely within the church steeple. Mr. Allen noted they will be adding an additional equipment rack and surge arrestor to the equipment room and replacing some of the steeple shingles with fiberglass. Mr. Allen noted that no physical changes to the steeple would occur.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to determine that the applicant's written request is a minor modification. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the petitioner's written request for the minor modification to Special Permit (SP 2002-11). **MOTION** carried unanimously 4 to 0.

Mr. Robbins returned to the Board.

ACTION ITEM 1-B - PROJECT OVERVIEW - AVIAN REHABILITATION CAGE PROJECT - TUFTS CUMMINGS SCHOOL OF VETERINARY MEDICINE

Present for the meeting were Joseph Chilton, Director of Campus Functions; Jean Poteete, Senior Campus Planner; and Dr. Flo Tseng, Director of Wildlife Projects.

Mr. Chilton informed the Board that Cummings School of Veterinary Medicine at Tufts University was seeking project plan approval for the construction of a 3,120 square foot Avian Rehabilitation Cage adjacent to the existing Flight Cage near the Bernice Barbour Wildlife Medicine Building.

Dr. Tseng gave the Board a brief overview of the importance of the flight cage with regard to the public and Tufts students education, adding it will greatly aid in moving the rehabilitation process forward with additional flight space for the larger birds, particularly the raptors.

ACTION ITEM 1-C – CONSIDER DECISION – SPECIAL PERMIT (SP 2012-14) LISA MCGRIFF – 11 WHEELLOCK AVENUE – ESTHETICIAN SPA / OFFICE

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to make favorable Findings for F-1 through F-31. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to grant Waiver W-1 and W-2 as drafted. **MOTION** carried unanimously 5 to 0.

Mr. Bishop noted that Condition C-2 specifically addresses the issue of the special permit being granted to the applicant/property owner only and does not run with the land.

MOTION by Mr. Hanna, **SECOND** by Mr. Scully, to grant the applicant's written request for Special Permit (SP 2012-14) with the findings and conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

CONSIDER DECISION – SPECIAL PERMIT (SP2012-13) GARY CUNNINGHAM/SUNSHINE SIGN COMPANY, INC. – MICHAEL AWDE/GRAFTON AUTO SERVICE – 101 WORCESTER STREET – ZBL SECT. 4.4.4.2 – SIGN RELIEF

The Board briefly discussed the draft decision findings and concluded there was insufficient time to complete the decision prior to the public hearings scheduled.

Chairman Qualey received unanimous consent to table the draft decision agenda item until after the public hearings.

PUBLIC HEARINGS

SPECIAL PERMIT (SP 2012-15) JAMES MORO (APPLICANT) – STEPHEN & DIANE RONEY TRUSTEES, (OWNER) – 124 MAIN STREET, SOUTH GRAFTON – RENOVATE EXISTING HOME TO A TWO-FAMILY HOME

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing was Applicant James Moro.

Mr. Moro informed the Board that he had now become the owner in addition to the applicant for this application. Mr. Moro briefly reviewed his plans to turn the one story 34 foot by 64 foot ranch home into two 2-bedroom units. Mr. Moro stated he will not change the actual footprint of the original home, but will split it down the middle into the two units and will also be the contractor.

Chairman Qualey noted a narrative discrepancy that he wanted to clarify concerning the statement that the existing house would be converted into two 2-family units. Mr. Moro stated his intent was to convert the existing house into two 2-bedroom units.

Mr. Hassinger questioned the applicant's request for a waiver to Section 7 (WSPOD) of the Zoning By-Laws, noting that it was not possible to do.

Mr. Robbins added that the waiver was not possible nor necessary for the applicant, noting that the existing impervious coverage falls within the application of a pre-existing structure. Mr. Moro stated the coverage was less than 25%, which falls below the level allowed.

William Hannigan, of Hannigan Engineering, spoke on behalf of the applicant informing the Board that the regulations allow the Building Inspector's approval of the pre-existing impervious coverage with the approval also of the Conservation Commission and Town Engineer.

Mr. Hassinger expressed concerns of closing the hearing without documented information from the Building Inspector on the amount of impervious coverage allowed within the WSPOD.

Mr. Moro withdrew his request for the waiver of Section 7 of the Zoning By-Laws.

MOTION by Mr. Hassinger, **SECOND** by Mr. Hanna, to close the public hearing, leaving the record open for submission of information concerning impervious coverage allowed within Section 7 (WSPOD) of the Zoning By-Laws. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

MODIFICATION OF SPECIAL PERMIT (SP 1993-10) MICHAEL V. & BRIAN MARINO, TRUSTEES OF FIRST WESTBOROUGH REALTY TRUST (D/B/A DUNKIN' DONUTS), APPLICANTS/OWNERS

Chairman Qualey opened the public hearing. Present for the meeting were Attorney Peter Keenan, representing the applicant; Brian Marino, applicant/owner; Engineer William Hannigan of Hannigan Engineering; and Ronald Muller of Ronald Muller Associates.

Attorney Keenan briefly reviewed the last public hearing for the Board.

Mr. Hannigan informed the Board that all Graves Engineering review comments had been addressed including the latest ones concerning storm water management and revisions had been made to the plans. Mr. Hannigan stated they had also met with Mass Highway to look at the drainage and noted they will comply with their preference of pre-existing catch basins or the revised manhole system submitted. Mr. Hassinger asked if any changes made by Mass Highway would affect the Graves Engineering review and was told no.

Mr. Muller stated that he had discussed the work and improvements with Mass Highway adding they were happy with the plan, but acknowledged there were issues with traffic back up on the street. Mr. Muller stated Mass Highway was aware of the CMRPC traffic study, but not aware of the issues with the northbound lane. Mr. Muller submitted email correspondence from Mass Highway stating they were not happy with the idea of creating a wide shoulder because the trucks tend to use the widened lane area as a parking/pull off area. Mr. Hassinger suggested

lengthening the lane drop area, creating a longer merge area. Mr. Muller noted this issue would need to be discussed with the Town and the State as Mass Highway did currently did not have any plans to widen Route 122. Mr. Robbins expressed concerns as to how this future project will affect the Dunkin Donuts project. The Board discussed the problematic timeframes of working with the State, with Mr. Hanna pointing out that the State does not move very quickly.

The Board reviewed the landscape plans showing the various driveway and drive by signage/markings that are planned for the site, specifically in the exit area of a left turn back onto the front of the restaurant and the final exit onto the roadway.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously 5 to 0.

Chairman Qualey informed the Board that he would not be seeking re-election to the Planning Board, noting that his duties and responsibilities as a member of the Franklin Lodge were increasing significantly, requiring more of his time.

Mr. Hassinger noted there were two full terms up for election and a one year term associated with Mr. Hanna's seat. Chairman Qualey added there has been an applicant file for the Associate Member position, which should be appointed by the Board of Selectmen this month. Mr. Robbins and Mr. Hanna expressed intentions for re-election to the Board.

Chairman Qualey received unanimous consent to resume deliberation on the draft decision for Special Permit 2012-13.

CONSIDER DECISION – SPECIAL PERMIT (SP2012-13) GARY CUNNINGHAM/SUNSHINE SIGN COMPANY, INC. – MICHAEL AWDE/GRAFTON AUTO SERVICE – 101 WORCESTER STREET – ZBL SECT. 4.4.4.2 – SIGN RELIEF

Mr. Hassinger stated he had concerns with the way the decision was drafted, specifically in Finding F-9, suggesting the Planning Board was overruling the By-Law by allowing a higher sign without an adequate reason, since the sign was no longer grandfathered. The Board continued their discussion of the sign size and height, resulting in a question arising if there was any viable information available with regard to the specifics of the old Fleming garage sign that the sign was replacing.

Mr. Robbins stated that the Building Inspector, as Zoning Enforcement Officer, appeared to have no problem with the new sign with regard to the size, pointing out that the height being within the limits allowed was the issue. Mr. Robbins added that the Planning Board has the authority to allow the height through the special permit process.

Mr. Hanna noted that for 30 years the height was okay for the previous owner, but that now it has become an issue, adding that was just wrong.

Mr. Scully remarked that when the old sign was replaced with a different size, the applicant lost his grandfathering clause for the signage. Mr. Scully stated that this was a new sign under a new application, under the Boards special permit process to handle this type of situation.

Mr. Robbins, Chairman Qualey and Mr. Hanna wished to note that they were 100% happy to allow the height requested for the sign and had no problem with the Board having the power to grant the applicant's request. Mr. Robbins added that it will be helpful if the record included a documentation of the Flemings Garage sign. Mr. Robbins suggested a Finding noting the Board's position as to the height of the proposed sign relative to the height of the Flemings garage sign, adding he felt it was fair basis for the Board granting relief.

Mr. Bishop reminded the Board they have 90 days to render a decision which will allow the Board time to receive the information needed to document the relief to be granted.

Mr. Hassinger suggested the Board can review the video recordings of the public hearing for accuracy of statements made by the applicant with regard to the sign.

Mr. Bishop added he will check with the Building Inspector to see if he has any records of the Fleming sign.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins to resume deliberation of Special Permit (SP 2012-13) at the next meeting to allow for documentation of the Flemings Garage sign for the record. **MOTION** carried unanimously 5 to 0.

STAFF REPORT

Mr. Bishop informed the Board that the Board of Selectmen had requested a joint meeting with the Planning Board on February 19, 2013 to appoint an Associate Member.

Mr. Hassinger asked that a time certain be established on the Board of Selectmen's agenda to accommodate the joint meeting.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to approve the open session minutes of January 14, 2013 as drafted.

AMENDED MOTION by Mr. Robbins, **AMENDED SECOND** by Mr. Scully, to approved the open session minutes of January 14, 2013 with the corrections noted. **MOTION** carried unanimously.

Mr. Bishop also encouraged the Board to review the Citizen Planner Training Collaborative brochure they had received in their mailboxes to take advantage of some of the excellent Planning related courses offered at Holy Cross College.

Mr. Bishop also reminded the Board about the Finance Committee public hearing on the 2014 Budget being held Wednesday, February 13, 2013 at 7:30 p.m.

MOTION by Mr. Hanna, **SECOND** by Mr. Scully, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:16 p.m.

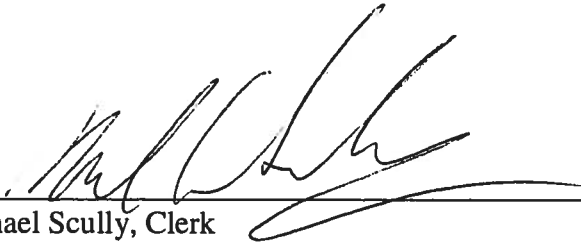
EXHIBITS

- **Action Item 1A: Request for Planning Board Determination & Approval for Minor Modification to Special Permit (SP2002-11), AT&T Wireless PCS LLC (AT&T Wireless Services, Inc.), d/b/a AT&T Wireless – 86 Main Street, South Grafton – Brian Allen, KJK Wireless, for new England Cingular Wireless LLC (d/b/a ATT Mobility), petitioner.**
 - Correspondence from AT&T, RE: MA3392 – 86 Main Street, South Grafton; dated and received February 6, 2013; 1 page.
 - Report of Radio Frequency Engineer, prepared by AT&T Mobility; no date, received February 6, 2013; 2 pages.
 - Radio Frequency Report, LTE Interference Mitigation in Grafton, MA (Beam Shaping), prepared by AT&T Mobility; dated January 23, 2013, received February 6, 2013; 5 pages.
 - Plan Set, AWE Union Cong Church (MA-3392), 86 Main Street, South Grafton, MA 01560; 11" x 17", prepared by AT& T; dated January 22, 2012, received February 6, 2013; 9 sheets including the following:
 - T-1 (Cover Sheet)
 - GN (General Notes, Grounding Notes, Structural Steel Notes)
 - A-1 (Roof Plan, South Elevation)
 - A-2 (Equipment Room)
 - S-1 (Proposed Antenna Plan, Proposed Antenna Elevation)
 - S-2 (Blocking Detail, Work Flow Notes, RF Transparent Roof Section Detail)
 - S-3 (Antenna Mounting Isometric, Work Flow Notes)
 - S-4 (Antenna Mounting Strut, Plate Washer Detail, Antenna Mounting Cross member, Additional Antenna Support Detail)
 - E-1 (LTE Plumbing Diagram, Grounding One-Line, Ground Bar Detail, Ground Bar Connection)
 - Correspondence from The Ottery Group, Invitation to participate as a consulting party to the Section 106 review for the proposed modification to the AT&T "AWE – Union Congregational Church, MA3392 Telecommunications Facility" – 86 Main Street, South Grafton, MA 01560 (Worcester County), dated February 5, 2013, received February 11, 2013, 2 pages.

- **Action Item 1B: Project Overview – Avian Rehabilitation Cage Project – Tufts Cummings School of Veterinary Medicine**
 - Correspondence from Graves Engineering, Tufts University Avian Rehabilitation Cage Site Plan Review, dated January 30, 2013, received January 31, 2013, 2 pages.
 - Correspondence from Tufts University, Project Plan Submission for Avian Rehabilitation Cage, dated and received January 29, 2013, 6 pages.
 - Plan Set, Site Plan Avian Rehabilitation Cage at Tufts University in North Grafton Massachusetts, 24" x 36", prepared by Outback Engineering, Inc.; dated December 24, 2012, revised January 23, 2013; received January 25, 2013; three sheets including the following sheets:
 - Cover Sheet
 - Grading Sheet
 - Detail Sheet
 - Drainage Report, Avian Rehabilitation Cage at Tufts University in North Grafton, Massachusetts; prepared by Outback Engineering, Inc.; dated January 23, 2013, received January 25, 2013; 68 pages.
 - Plan Set, Avian Rehabilitation Cage at Tufts University in North Grafton Massachusetts, 24" x 36", prepared by Outback Engineering, Inc.; dated December 24, 2012, revised January 23, 2013; received January 25, 2013; two sheets including the following:
 - Pre-Development Drainage Map
 - Post-Development Drainage Map
- **Action Item 1C: Consider Decision – Special Permit (SP 2012-14) – Lisa McGriff (Owner / Applicant), 11 Wheeler Road, North Grafton ; Esthetician Spa / Office**
 - Draft Decision, Grafton Planning Board, Special Permit (SP 2012-14) and Site Plan, draft dated January 22, 2013, 8 pages.
- **Action Item 1D: Consider Decision – Special Permint (SP 2012-13) – Gary Cunningham / Sunshine Sign Company, Inc. (Applicant) and Michael Awde / Grafton Auto Service (Owner), 101 Worcester Street, North Grafton; sign relief**
 - Draft Decision, Grafton Planning Board, Special Permit (SP 2012-13) and Site Plan Approval, draft dated January 23, 2013, 9 pages.
- **Minutes of Previous Meeting**
 - Grafton Planning Board, January 14, 2013, 8 pages.
- **Correspondence**
 - Memorandum from the Finance Committee, Fiscal Year 2014 proposed budget, dated and received January 25, 2013, 1 page.
 - Correspondence from Edward A. Prisby, Grafton Planning Board Associate Member Opening, dated and received January 31, 2013; 2 pages.

- **9A - Public Hearing, Special Permit (SP 2012-15) – James T. Moro (Applicant) – Stephen & Diane Roney Trustees (Owner) – two family home**
 - Application for Special Permit, dated December 12, 2013, received December 14, 2013; 1 page.
 - Application for Site Plan Approval, dated December 12, 2013, received December 14, 2013; 1 page.
 - Correspondence from Applicant, General info regarding application for a special permit to allow a 2 family at 124 main st S. Grafton, dated December 10, 2013, received December 14, 2013; 2 pages.
 - Grafton Zoning By-laws, Section 1 pages 4 -5, waiver request list; received December 14, 2013; 1 page.
 - Town of Grafton Property Information Sheet, Base Map; 124 Main Street; parcels updated January 1, 2011; source: Town of Grafton GIS; black & white, 8 ½ x 11", dated December 6, 2012; received December 14, 2012; 1 page
 - Town of Grafton Property Information Sheet, Aerial Photograph; 124 Main Street; parcels updated January 1, 2011; source: Town of Grafton GIS; black & white, 8 ½ x 11", dated December 6, 2012; received December 14, 2012; 1 page
 - Town of Grafton Property Record Card, 120 & 124 123 Main Street; parcels updated January 1, 2011; source: Town of Grafton GIS; color, 8 ½ x 11", dated September 11, 2012; received December 14, 2012; 1 page.
 - Floor plan sketch, 123 Main Street, South Grafton , 2-Family Renovation; JR Associates, Sutton, MA; 11 x 17", black & white, dated December 11, 2012; received December 14, 2012; 1 page.
 - Return memorandum, departmental project review comments, Town Engineer, received January 7, 2013; 2 pages.
 - Floor plan drawings – first and second floor, 123 Main Street, South Grafton , 2-Family Renovation; JR Associates Design Services, 11 x 17", black & white, dated December 18, 2012; received January 25, 2013; 2 pages.
- **9B - Public Hearing – Modification of Special Permit (SP1993-10), Michael & Brian Marino, (d/b/a Dunkin' Donuts), 72 Worcester Street – Site Renovations & Alterations**
 - Return memorandum, departmental project review comments, Conservation Commission, received January 16, 2013; 2 pages.
 - Correspondence from Hannigan Engineering, Modification of Special Permit (93-10), Site Plan Review – Dunkin' Donuts, 72 Worcester Street, Grafton, MA; dated January 14, 2013, received January 22, 2013; 21 pages.
 - Fax Transmission, Correspondence from Peter F. Keenan, Michael V. Marino & Brian Marino, Trustees of First Westborough Realty Trust, 7 Worcester Street, Grafton, Massachusetts, Modification of Special Permit, SP1993-10; Public Hearing Continuance; dated and received January 28, 2013; 2 pages.

- Correspondence from Graves Engineering, Dunkin' Donuts, 72 Worcester Street, Site Plan / Special Permit Modification Review; dated and received February 4, 2013; 4 pages.
- Email correspondence to Ron Muller from Eric Nascimento (DOT), Grafton – Dunkin' Donuts (Route 122), dated January 24, 2013, submitted by the Applicant at the Public Hearing on February 11, 2013, 1 page.



Michael Scully, Clerk

